S.B.Civil Revision Petition No. 60/2007

(Gorakh Singh and Anr. Vs. Hema Ram and Anr.)

Date : 08.03.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. Suresh Shrimali, for the petitioners.

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Heard learned counsel for the petitioners.

The petitioners have filed revision petition aggrieved against the order dated 15.7.2006, by which the trial court dismissed the application filed under Section 9 read with Section 80 and Order 7 Rule 11 CPC.

The petitioners' case by moving the application under Section 9 read with Section 80 and Order 7 Rule 11 CPC, is that the land in question is agriculture land and therefore, the suit is tribal by revenue court. The plaintiffs' case is that the suit land is abadi land. Since defence of the defendant can be looked into while deciding the application under Section 9 read with Section 80 and Order 7 Rule 11 CPC, therefore, the trial court has dismissed the application.

No merit in the revision petition. Accordingly, the revision petition is dismissed.

(PRAKASH TATIA), J.

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